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Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 /158 W
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TO SECSTATE WASHDC PRIORITY 8791

C O N F I D E N T I A L USUN 3364

FROM US LOSDEL

E.O. 11652: GDS
TAGS: PLOS
SUBJ: LOS: MARINE SCIENTIFIC RESEARCH - YANKOV CONSULTATIONS
19 AUGUST 1976 (DAILY REPORT C-III)

1. AT MEETING OF THE INFORMAL YANKOV CONSULTATIONS, YANKOV OFFERED FOLLOWING PROPOSAL AS AN ATTEMPT AT COMPROMISE:

ARTICLE 60

1. COASTAL STATES, IN THE EXERCISE OF THEIR JURISDICTION, HAVE THE RIGHT TO REGULATE, AUTHORIZE AND CONDUCT MARINE SCIENTIFIC RESEARCH IN THEIR ECONOMIC ZONE AND ON THEIR CONTINENTAL SHELF.

2. MARINE SCIENTIFIC RESEARCH ACTIVITIES IN THE ECONOMIC ZONE AND ON THE CONTINENTAL SHELF SHALL BE CONDUCTED WITH CONFIDENTIAL

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THE CONSENT OF THE COASTAL STATES AND IN ACCORDANCE WITH

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THE RELEVANT PROVISION OF THIS CONVENTION.

3. COASTAL STATES SHALL NORMALLY GRANT THEIR CONSENT FOR MARINE SCIENTIFIC RESEARCH ACTIVITIES BY OTHER STATES OR COMPETENT INTERNATIONAL ORGANIZATIONS IN THE ECONOMIC ZONE OR ON THE CONTINENTAL SHELF OF THE COASTAL STATE. TO THIS END COASTAL STATES SHALL ESTABLISH RULES AND PROCEDURES INSURING THAT SUCH CONSENT WILL NOT BE DELAYED OR DENIED UNREASONABLY.

4. SUCH MARINE SCIENTIFIC RESEARCH ACTIVITIES IN THE ECONOMIC ZONE OR ON THIS CONTINENTAL SHELF SHALL NOT INTERFERE WITH ACTIVITIES PERFORMED BY THE COASTAL STATE IN ACCORDANCE WITH ITS JURISDICTION, AS PROVIDED FOR IN THIS CONVENTION.

5. COASTAL STATES MAY WITHHOLD THEIR CONSENT TO THE CONDUCT OF A MARINE SCIENTIFIC RESEARCH PROJECT OF ANOTHER STATE OR COMPETENT INTERNATIONAL ORGANIZATION IN THE ECONOMIC ZONE OR ON THE CONTINENTAL SHELF IF THAT PROJECT:

(A) BEARS UPON THE EXPLORATION AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES;

(B) INVOLVES DRILLING INTO THE CONTINENTAL SHELF, THE USE OF EXPLOSIVE, OR THE INTRODUCTION OF HARMFUL SUBSTANCES INTO THE MARINE ENVIRONMENT;

(C) INVOLVES THE CONSTRUCTION, OPERATION OR USE OF SUCH ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES AS ARE REFERRED TO IN ARTICLE 48 OF PART II OF THIS CONVENTION.

2. MEXICO LEAD OFF DEBATE BY ENDORSING TEXT WHILE STRESSING THERE WILL BE NO CONVENTION WITHOUT CONSENT FOR MARINE SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE. SPAIN AND PUER FOUND TEXT GOOD BASIS FOR FURTHER NEGOTIATION BUT SAID CONSENT SHOULD BE REQUIRED FOR RESEARCHING AFFECTING SECURITY OF COASTAL STATE. KENYA SUPPORTED CONFIDENTIAL

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SPAIN AND PUERU ON SECURITY POINT BUT WOULD ADD TO PARA 3 QTE PROVIDED IN THE OPINION OF THE COASTAL STATE, THE RESEARCHING STATE AND COMPETENT INTERNATIONAL ORGANIZATIONS HAVE COMPLIED WITH THE PROVISIONS OF ARTICLE 58. UNQTE KENYA STRESSED QTE VITAL IMPORTANCE UNQTE OF PARA 2. ON PARA 4, KENYA WOULD ALSO ADD SUBPARA UNDER 5 AN ADDITIONAL COMMENT REQUIREMENT FOR RESEARCH WHICH QTE IS LIKELY TO CONTRAVENE THE

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PROVISIONS OF PARA 4. UNQTE. CUBA WOULD DELETE FROM
PARA 1 QTE IN THE EXERCISE OF THIS JURISDICTION UNQTE
BUT OTHERWISE FOUND TEXT GENERALLY ACCEPTABLE. INDIA
QTE EXCLUSIVE JURISDICTION UNQTE IN PARAGRAPH 1 AND
QTE EXPRESS CONSENT UNQTE IN PARAGRAPH 2.

3. JAPAN EXPRESSED QTE PROFOUND DISAPPOINTMENT UNQTE
WITH TEXT POINTING IN PARTICULAR TO PARAGRAPHS 1 AND 2.
THE U.S. SUGGESTED DELETION OF PARAS 1, 2 AND 3 AND
AMENDMENTS TO PARA 5 TO CONFORM WITH PRIOR TEXT SUBMITTED
BY U.S. THE NETHERLANDS INTERVENED TO STATE TEXT
CONFLICTED WITH THEIR VIEW THAT MOST RESEARCH SHOULD NOT
REQUIRE CONSENT BUT PRAISED PARA 4 AND DELETION RSNT
SUBPARA (C) FROM PARA 5 STATING THAT QTE ECONOMIC UNQTE
BE INSERTED BEFORE QTE ACTIVITIES UNQTE IN PARA 4.
IRAQ RESERVED SPECIFIC COMMENTS BUT BELIEVED TEXT WOULD
BE A GOOD BASIS FOR FURTHER NEGOTIATIONS. THE U.K.
URGED DELETION OF PARA 1 AND COMMENTED THAT PARA 2 WAS
DEPENDENT UPON ARTICLES 64 AND 65. THE U.K. URGED
DELETION OF QTE NORMALLY UNQTE AND SECOND SENTENCE IN
PARA 3 WHILE ENDORSING PARA 4 WITH ADDITION OF QTE
ECONOMIC UNQTE. ON PARA 5, THE U.K. SUGGESTED AMENDMENTS
SIMILAR TO THOSE OFFERED BY U.S.

4. TANZANIA (WARIOBA) FOUND TEXT AN EXCELLENT BASIS
FOR NEGOTIATIONS STATING THEY COULD NOT CONCEIVE OF
ANY NEGOTIATION WHICH DID NOT HAVE PARA 2. TANZANIA
ADDED THEY COULD ACCEPT CATEGORIES OF RESEARCH AND
QUALIFICATION ON THE EXERCISE OF CONSENT. BRAZIL
INDICATED THEY PERSONALLY COULD ACCEPT THE PRESENT TEXT BUT
MUST HAVE A REFERENCE IN PARA 5 TO PEACEFUL PURPOSES.
BRAZIL LISTED ALL THE DIFFERENCES BETWEEN HIS PROPOSAL
AND YANKOV PROPOSAL BUT STRESSED IMPORTANCE OF PARA 2
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OF YANKOV PROPOSAL. SOMALIA WOULD ADD QTE EXCLUSIVE
JURISDICTION UNQTE TO PARA 1, QTE EXPRESS UNQTE
BEFORE CONSENT IN PARA 2, ACCEPTANCE OF PARA 3
DEPENDED UPON ARTICLE 64, AND STATED THEY COULD ACCEPT
PARA 4 IF PARA 5 WAS DELETED. YUGOSLAVIA SAID THE NEW
TEXT WAS A GOOD BASIS FOR FURTHER NEGOTIATIONS BUT
PROPOSED LIST OF AMENDMENTS WHICH TOOK TEXT EVEN FURTHER
IN DIRECTION OF COASTAL STATES. AUSTRIA ATTACHED
QTE NORMALLY UNQTE IN PARA 3 AND SAID PARA 5 SHOULD BE
CLARIFIED TO PROVIDE CONSENT COULD ONLY BE WITHHELD FOR
LISTED CATEGORIES ADDING THAT QTE SUBSTANTIALLY UNQTE
SHOULD BE ADDED TO SUBPARA (A) OF PARA 5. LIBERIA
ENDORSED TEXT AS USEFUL BASIS FOR FURTHER NEGOTIATIONS
BUT BELIEVED CONSENT CATEGORY FOR SECURITY OR PEACEFUL
PURPOSES WAS REQUIRED. ITALY SAID QTE NORMALLY UNQTE

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SHOULD BE DELETED FROM PARA 3 OR QTE ONLY UNQTE SHOULD
BE ADDED TO CHAPEAU OF PARA 5. REGARDING 5(A), ITALY
WOULD REINSERT QTE SUBSTANTIALLY UNQTE.

END
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